

RETURN DATE: NOVEMBER 25, 2014	:	SUPERIOR COURT
	:	
	:	JUDICIAL DISTRICT
DANNEL P. MALLOY	:	AT HARTFORD
	:	
	:	
V.	:	
	:	
OLGA IRIS VASQUEZ, SHEILA N. HALL,	:	
URANIA PETIT, DENISE MERRILL,	:	
SECRETARY OF THE	:	
STATE OF CONNECTICUT	:	NOVEMBER 4, 2014

**VERIFIED COMPLAINT SEEKING EMERGENCY
INJUNCTIVE RELIEF TO EXTEND VOTING HOURS**

1. This petition and complaint is presented and brought, inter alia, pursuant to Connecticut General Statutes §§ 9-323, 9-324, 9-355, and seeks exercise both of this Court's equitable authority and statutory authority under § 9-324 to extend voting hours in the City of Hartford.

2. The plaintiff Dannel P. Malloy is a candidate for Governor in the election of November 4, 2014.

3. The defendant Olga Iris Vasquez is the Democratic Registrar of Voters for the City of Hartford with general supervisory authority over elections within the City of Hartford including delivery of voter checklists to moderators, and she is named solely in her official capacity.

4. The defendant Sheila N. Hall is the Republican Registrar of Voters for the City of Hartford with general supervisory authority over elections within the City of Hartford including delivery of checklists to moderators, and she is named solely in her official capacity.

5. The defendant Urania Petit is the Working Families Party Registrar of Voters with general supervisory authority over elections within the City of Hartford including delivery of checklists to moderators, and she is named solely in her official capacity.

6. The defendant Denise Merrill is the Secretary of the State of Connecticut and by virtue of her office the commissioner of elections with general supervisory authority over elections in the State of Connecticut in light of Conn. Gen. Stat. § 9-3. She is named herein solely in her official capacity.

7. Each elector of the State of Connecticut has a fundamental right under the Constitution of the State of Connecticut and the United States Constitution to vote for candidates for the various offices, including those for Governor and other offices on November 4, 2014.

8. Connecticut General Statutes § 9-174 provides in pertinent part:
“Notwithstanding the provisions of any general statute, special act or municipal charter to the contrary, at any regular election . . . , the polls shall remain open for voting from six o’clock a.m. until eight o’clock p.m.”

9. On information and belief multiple polling places in Hartford failed to open on time at 6:00 a.m. For example, reports including direct witness observation indicate that twelve polling places failed to open as required by law, and at nine polling places voters could not vote for at least thirty and up to ninety minutes, with no certainty as to when the polls would be able to be opened, despite the mandates of Conn. Gen. Stat. § 9-174.

10. The failure of various voting places to open in a timely manner was reportedly due in whole or in substantial part to the failure of one or more local officials to provide lists of voters to the polling places, in violation of Conn. Gen. Stat. §§ 9-259(a), 9-355.

11. Under Conn. Gen. Stat. § 9-259(a), each moderator was to have been provided voter checklists, supplies and other materials by 8:00 p.m. on November 3, 2014, but in fact no such checklists were provided in a timely manner.

12. A substantial number of voters who appeared at or shortly after 6:00 a.m. were not allowed to vote.

13. A substantial number of people who were not allowed to vote left the polling places involved before the voting places eventually opened, and a substantial number of people who wished to vote were discouraged from voting by lengthy lines at those polling places.

14. Voter turnout was further suppressed when word spread by means of social and other media that multiple polling places were not open or were not allowing people to vote. (See Exhibit A).

15. Those people were not allowed to vote when polls were required to be opened under Conn. Gen. Stat. §9-174 through no fault of their own.

16. Plaintiff wishes to assure that all properly registered voters in the City of Hartford who were denied the right to vote will have the opportunity to vote and to have their vote counted, and he otherwise has no adequate remedy at law.

17. Plaintiff, on information and belief, alleges that because of the number of polling facilities that failed to open at 6:00 a.m. as required by state law, many otherwise eligible voters will effectively be denied their right to vote, contrary to both the United States Constitution and the Constitution of the State of Connecticut in light of the undeniable federal and state constitutional right of all qualified citizens to vote and to have their votes counted.

18. This Court has the equitable authority to extend the polling times to address a “specific extraordinary situation.” Opinion of Attorney General Richard Blumenthal, 2008 Conn. AG LEXIS 14, at *1-*2 (2008).

19. Plaintiff is aggrieved by the failure of the defendant registrars to deliver checklists to the moderators pursuant to § 9-259(a), which represents neglect of official duties under § 9-355 and a ruling of an election official of which plaintiff is aggrieved. Further, defendant Merrill was

requested to order a one-hour extension of the time limits for Hartford's polling places, and she stated that she was unable to do so, and thus plaintiff is further aggrieved for purposes of Conn. Gen. Stat. 9-324.

20. Immediate action is needed because the polls are scheduled to close at 8:00 p.m. this day and there is no practical remedy after that time.

21. Because of the emergency, notice of the intent to file this Complaint has been served by email.

22. Plaintiff has provided notice of this application to the Connecticut Republican Party electronically.

WHEREFORE, plaintiffs request that this Court:

1. Grant an immediate hearing on this complaint.
2. Grant an extension of hours for voting from 8 p.m. until 9 p.m. in the City of Hartford.
3. Grant such other relief as is just and equitable including an order that appropriate notice of the relief be ordered.



NEWS UPDATE



Campaign 2014

Voters report problems at several polling places

Posted: Nov 04, 2014 6:53 AM EST

Updated: Nov 04, 2014 10:14 AM EST

By Rob Polansky **CONNECT**

HARTFORD, CT (WFSB) - Just minutes after the polls opened across the state, voters in some cities and towns saw glitches.

Secretary of the State Denise Merrill, who is up for reelection, told Eyewitness News that some polling places were having issues.

Gov. Dannel Malloy, who is running against Republican Tom Foley, announced on Twitter Tuesday morning that issues in Hartford were resolved.

"If you were unable to vote earlier, your polling location is open and you can vote now," Malloy's Tweet said.

Earlier, Merrill said registration logs were not at all of the locations in Hartford.

City officials said the books should have arrived at the polling places by 6 a.m. The mayor's office is looking into what happened.

Merrill said people were still voting. The names of voters were written down at places like the Hartford Seminary and were cross-checked and referenced. Malloy, however, cast his ballot there without any issues.

Still, eyewitnesses said many people simply got back into their vehicles and left.

As a result, Malloy is seeking to extend voting hours. He released a statement:

Because of delays and other problems at Hartford polling locations, we are filing a complaint in Hartford Superior Court asking that voting hours be extended to accommodate voters who were unable to vote or were discouraged from voting this morning. Currently the polls in Hartford are working smoothly and voters can cast their ballots. We encourage everyone to vote.

The glitches were reported at the Batchelder School on New Britain Avenue, the Grace Lutheran Church on Woodland Street and a number of other locations. The issues at Batchelder appear to have been fixed.

Some voters reported that polling places, like the South End Senior Center on Maple Avenue, were not even open at 6 a.m.

People also reported problems at Mary Shepard Place on Pavilion Street and Kennelly School on White Street.

Eyewitness News was told that ballots did arrive at the United Methodist Church on Farmington Avenue.

In Wolcott, the Town Clerk's office said Tyrrell Middle School ran out of ballots for a short time. Pollers were able to call town hall for more and they were brought to the school immediately.

Merrill said officials were working to fix all of the issues.

Anyone experiencing a problem at the polls can call the elections hotline at 1-866-733-2463 or email elections@ct.gov.

Refresh this page and watch Eyewitness News for updates.

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In The News

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EXHIBIT A



steven goode

Follow

Hearing at least 2 polling places in #Hartford have no books to verify voter registration. Frustrated voters walking away.



Joshua LaPorte

Follow

Reports of missing voter lists at Hartford polling places. With three registrars of voters, this is just embarrassing. They should be fired



Marilyn E. Rossetti

Follow

No voter registrar books at our voting place this morning - husband had to leave - how many votes will this cost Hartford - shameful!



Jeff Cohen

Following

Multiple reports of problems with voting in hartford. Polls appear to have opened late,



David Moran

Follow

Voting lists at this polling place on Whitney Street in Hartford didn't show up until 7 am, moderator says.



View photo



Brian O'Donnor
Ballots at United Methodist Church in Hartford now. Voting is underway after earlier problems.



Tikisha Morris

Follow

7-areh8asannorch3: Ballots at United Methodist Church in Hartford now. Voting is underway after earlier problems. #wfsb

View photo



Christian Lemp

Follow

Just tried to vote in district #5, city of #Hartford hadn't supplied voter roles to the polling stations yet. Uh...





Bruce Binnix @BruceBinnix 16m
 @foxandfriends Some Hartford Ct
 voting locations r missing voter
 lists- allowing votes anyway!!!

Details

🔄 Dave Torres retweeted



NBC Connecticut @NBCCo... 34m
 We're getting several viewer
 complaints that some of
 #Hartford's polling locations were
 not open for voting at 6 a.m.
bit.ly/1wtLXnk

Details



Julie Marie @juliecatmc 12m
 No voting book to check me in
 and they wouldn't scan my ballot.
 #hartford #doesmyvotecount
 #annoyed

Details

🔄 Heather Brandon retweeted



Marilyn E. Rossetti @meros... 31m
 No voter registrar books at our
 voting place this morning -
 husband had to leave - how many
 votes will this cost Hartford -
 shameful!

Details

🔄 Heather Brandon retweeted



david panagore @dpanagore 27m
 At the polls in Hartford, Dutch
 Point, polls open at 6 AM voting
 just starting , what was it no
 ballots or no list ?

Details



🔄 Heather Brandon retweeted



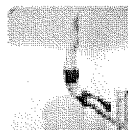
IRENE O'CONNOR @ireneo... 25m
 Voting issues being reported at
 several polling places in #Hartford.
 Registration logs did not arrive at
 some polling sites. #wfsb

Details



sydney2m @sydney2m 7m
 Voting in Hartford CT
 Just reported several voting
 places R closed due to broken
 voting machines.
 OMG...so crazy...

Details



Brenda Martin @justdopilates 5m
 Already voting " glitches" in
 Hartford. What a shocker. Always
 the big cities.

Details

🔄 The Highway Monitor retweeted



FOX CT @FoxCT 7m
 #BREAKING: Residents say they
 are experiencing voting issues in
 #Hartford go.foxct.com/1vDR4gl
 #Election2014 #FOXCT
pic.twitter.com/ujQkdAiTvY

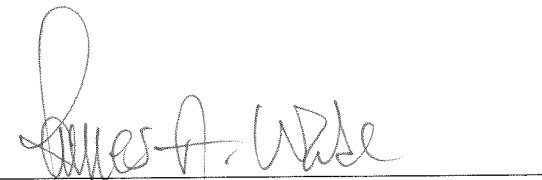


Details

THE PLAINTIFFS

By 

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VERIFICATION

State of Connecticut)
) ss: Hartford, CT
County of Hartford)

Mark Bergman, senior advisor to the campaign states that he is authorized to execute this verification on behalf of Dannel P. Malloy that the facts set forth herein are true and correct to the best of his knowledge, information and belief, based on information either known to him or provided to him in the course of his employment.

Date:


Mark Bergman

Subscribed and sworn to before me this 4th day of November, 2014.

William M. Bloss

Commissioner of Superior Court

ORDER TO SHOW CAUSE

This matter having come before this Court it is hereby ordered that the parties or their representatives shall appear before this Court on November 4, 2014, at ____ p.m., 95 Washington Street, Hartford, Courtroom ____, to be heard on this application, and it further ordered that service of this order and the verified complaint shall be effected by _____.

Judge/Clerk